

Minutes
Air Pollution Control Board
Indiana Government Center South
Conference Rooms 1&2
402 West Washington Street
Indianapolis, Indiana

June 7, 2000
1:05 p.m.

1. Mr. John Walker, Chairman, called the meeting to order. He noted that a quorum was present.

CALL TO ORDER
QUORUM

2. Chairman Walker introduced the board members.

INTRODUCTION OF
MEMBERS

Present: Mr. John Walker, Chairman
Mr. Thomas Anderson
Dr. James Miner, M.D.
Ms. Melanie Darke, Proxy, Lieutenant Governor
Mr. John Bacone, Proxy, Department of Natural Resources
Mr. Howard Cundiff, Proxy, State Board of Health
Mr. Randy Staley
Mr. Marlow Harmon
Mr. Chris Horn
Mr. Thomas Rarick, Technical Secretary
Ms. Rachel McGeever, Legal Counsel
Mr. Jeff Bowe (Absent)

Staff members present were Mr. Timothy Method, Deputy Commissioner; Ms. Janet McCabe, Assistant Commissioner; and Ms. Kathy Watson, Branch Chief. Others are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

3. Chairman Walker introduced the April 13th, 2000 Air Pollution Control Board minutes.

MINUTES

Mr. Horn moved to adopt the April 13th, 2000 Air Pollution Control Board's Meeting Minutes. Dr. Miner seconded. The motion passed unanimously.

Chairman Walker introduced the May 3rd Air Pollution Control Board minutes.

Mr. Horn moved to adopt the May 3rd, 2000 Air Pollution Control Board's Meeting Minutes. Mr. Staley seconded. The motion passed unanimously.

4. **Mr. Method reported the following:**

REPORTS

The Supreme Court decided recently to hear an appeal of the ongoing case relevant to the new eight-hour ozone standard that was promulgated in 1997. EPA is now in the process of designating areas of the country as either in attainment or nonattainment for the new ozone standard, and is on a schedule to propose those designations for any new areas by September, 2000. There are seven areas in Indiana that are being examined including: Northwest Indiana (Lake, Porter and La Porte), the South Bend-Elkhart area, the Indianapolis Metropolitan area, not just Marion County. Additionally, Dearborn and Ohio counties near Cincinnati and Southeastern Indiana in part with Louisville (Clark, Floyd, Harrison, Scott), is in the mix, as well as the Evansville area, and Fort Wayne.

Ms. McCabe reported on the following:

The federal court recently upheld the NOx SIP Call and a number of parties that had challenged the NOx SIP Call asked the court to reconsider its decision. Ms. McCabe stated that a NOx rule needs to be in place in Indiana as part of the one-hour ozone attainment plans for the Lake and Porter County area, and the Clark and Floyd County area by the end of this year and that the intention is to move forward with the state-wide nitrogen oxides rule that had been written, which requires a uniform emission level from electric utilities and large boilers across the state. The statewide rule is not as stringent as the NOx SIP Call rule, but based on technical information, it is adequate to bring those two areas into attainment with the one-hour ozone standard. It will have significant air quality benefits across the whole state. The Indiana NOx rule will be brought to the board's attention at the August 2nd, 2000 meeting.

5. Chairman Walker introduced Exhibit 1, the rule as preliminarily adopted and proposed for final adoption, into the record of the hearing.

Ms. Kathy Watson commented on the rule making.

Dr. Miner moved to final adopt the amendments to rules 326 IAC 2-2-1 and 326 IAC 2-7-10.5. Mr. Horn seconded. The motion passed 9-0.

**CONSIDERATION OF
FINAL ADOPTION OF
AMENDMENTS TO
RULES 326 IAC 2-2-1 and
326 IAC 2-7-10.5, PSD
Pollution Control**

6. Chairman Walker introduced Exhibit 2(a), the rule as preliminarily adopted and proposed for final adoption with suggested changes, and Exhibit 2 (b), the rule as preliminarily adopted, into the record of the hearing.

Ms. McCabe commented on the rule making.

Mr. Harmon moved to adopt rule 326 IAC 20-2 as amended. Dr. Miner seconded. The motion passed unanimously.

Mr. Harmon moved to final adopt rule 326 IAC 20-2 as amended. Mr. Anderson seconded. The motion passed 9-0.

**CONSIDERATION OF
FINAL ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 20-2,
Chemical Accidental
Release Prevention
Requirements 112(r)**

7. Chairman Walker introduced Exhibit 3(a), the rule as preliminarily adopted and proposed for final adoption with suggested changes, and Exhibit 3(b), the rule as preliminarily adopted, into the record of the hearing.

Ms. Watson commented on the rule making.

Atty. Lawrence A. Vanore, law firm of Sommer & Barnard, representing Exide Corporation, commented on Exide's concerns regarding:

- C The necessity of the proposed emission limits.
- C The implication that Exide's present emissions constitute an environmental harm, as well as certain monitoring issues including: monitoring for negative pressure, ambient air monitoring and recording baghouse alarms.

Mr. Shane Wingler, representing Exide Corporation, agreed with Mr. Vanore's comments for Exide.

Dr. Miner moved to adopt rules 326 IAC 15-1-2, 15-1-3, and 326 IAC 20-13-1-to -8, as amended. Mr. Cundiff seconded. The motion passed unanimously.

Mr. Anderson moved to final adopt rules 326 IAC 15-1-2, 15-1-3, and 326 IAC 20-13-1-to -8, as amended. Dr. Miner seconded. The motion passed 9-0.

**CONSIDERATION OF
FINAL ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 15-1-2,
15-1-3, and 326 IAC 20-
13-1-to -8, Secondary
Lead Smelters NESHAP**

The next meeting is tentatively set for August 2, 2000, at 1:00 p.m., in the Government Center South, Room B, Indianapolis, Indiana.

NEXT MEETING

Mr. Cundiff moved to adjourn the meeting. Dr. Miner seconded the motion. Chairman Walker adjourned the meeting at 1:56 p.m.

ADJOURNMENT

John Walker, Chairman

Thomas Rarick, Technical Secretary

These minutes were taken from the June 7, 2000 transcript and were written on August 9, 2000 by Karol Chuma, Office of Air Management.